

# Civil Rights and Public Policy

# Introduction

- Civil Rights
  - Definition: Policies designed to protect people against arbitrary or discriminatory treatment by government officials or individuals.
- Racial Discrimination
- Gender Discrimination
- Discrimination based on age, disability, sexual orientation and other factors

# Two Centuries of Struggle

- Conceptions of Equality
  - Equal opportunity
    - How to define “equal opportunity”
  - Equal results
- Early American Views of Equality
- The Constitution and Inequality
  - 14<sup>th</sup> Amendment: “...equal protection of the laws.”

# Race, the Constitution, and Public Policy

- The Era of Slavery
  - *Dred Scott v. Sandford* (1857)
  - The Civil War
  - The Thirteenth Amendment
- The Era of Reconstruction and Resegregation
  - Jim Crow laws
  - *Plessy v. Ferguson* (1896)- Separate but equal- schools, accommodations

# Race, the Constitution, and Public Policy

- The Era of Civil Rights
  - *Brown v. Board of Education* (1954)
  - Civil Rights Act of 1964 JFK
  - 24<sup>th</sup> Amendment- 1964
  - Voting Rights Act of 1965- LBJ
  - “I Have a Dream” speech- MLK
    - Nonviolent protest

# Race, the Constitution, and Public Policy

- Getting and Using the Right To Vote
  - Suffrage: The legal right to vote.
  - Fifteenth Amendment: Extended suffrage to African Americans
  - Poll Taxes: Small taxes levied on the right to vote. 24<sup>th</sup> Amendment prohibited 1964
  - White Primary: Only whites were allowed to vote in the party primaries.
  - Literacy Tests

# Race, the Constitution, and Public Policy

- Other Minority Groups
  - Native Americans
    - Major Issues- alcoholism, poverty, diabetes, lack of health facilities
    - Indian Removal Act of 1830- Trail of Tears
  - Hispanic Americans
    - Mexican American Legal Defense and Education Fund
    - Significantly growing voter block
    - Highly democratic

# Race, the Constitution, and Public Policy

- Other Minority Groups
  - Asian Americans
    - Japanese
      - Exclusion from neighborhood schools
      - Laws which denied the right to own land
      - Exclusion from labor organizations
      - Internment camps during WWII
      - **Chinese Americans**
        - » Naturalization Act of 1906- forbid citizenship
        - » Chinese Exclusion Act 1882- restricted immigration



# Women, the Constitution, and Public Policy

- The Battle for the Vote
  - Nineteenth Amendment: Extended suffrage to women in 1920.
- The “Doldrums”: 1920-1960
  - Laws were designed to protect women, and protect men from competition with women.
- The Second Feminist Wave
  - *Reed v. Reed* (1971)

# Women, the Constitution, and Public Policy

- Women in the Workplace
- Wage Discrimination and Comparable Worth
- Women in the Military
- Sexual Harassment

# Newly Active Groups Under the Civil Rights Umbrella

- Civil Rights and the Graying of America
- Civil Rights and People With Disabilities
  - Americans with Disabilities Act of 1990
- Gay and Lesbian Rights
  - *Bowers v. Hardwick* (1986)
  - *Lawrence v. Texas* (2003)
  - *Obergeffell v. Hodges* (2015)

# Affirmative Action

- Definition:
  - A policy designed to give special attention to or compensatory treatment of members of some previously disadvantaged group.
- A move towards equal results?
- *Regents of the University of California v. Bakke* (1978)/ *Gratz v. Bollinger*
  - Prohibits use of quotas

# Understanding Civil Rights and Public Policy

- Civil Rights and Democracy
  - Equality favors majority rule.
  - Suffrage gave many groups political power.
- Civil Rights and the Scope of Government
  - Civil rights laws increase the size of government.
  - Civil rights protect individuals.

# Naturalization

- Legal act of conferring citizenship on an alien
  - Over age of 18
  - Lawfully admitted for permanent residence
  - Reside in U.S. 5 yrs and state for 6 months
  - Be able to read, write and speak English
  - Swears to support and defend Constitution
  - Promises to bear arms on behalf of U.S. when law requires

# Naturalization

- Dual citizenship is allowed
  - Children born abroad of U.S. citizens
  - Nations that do not recognize the right of individuals to renounce their citizenship
    - Right of Expatriation

# Equal Protection Clause

- 14<sup>th</sup> Amendment-states/ 5<sup>th</sup> Am- nation
- Constitutional Classifications and Tests
  - To determine whether a law complies with the equal protection requirement
  - **Rational Basis Test**- places burden of proof on the parties attacking the law- must show law has no rational or legitimate government goals



# Equal Protection Clause

- Constitutional Classifications and Tests
  - **Strict Scrutiny Test**- a law treats people differently because of race, national origin or religion
  - **Heightened Scrutiny Test**- must show that its classification serves “important government objectives”
    - Classifications based on gender and sex unconstitutional